

THE HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BLACK LIVES MATTER SEATTLE-
KING COUNTY, ABIE EKENEZAR,
SHARON SAKAMOTO, MURACO
KYASHNA-TOCHA, ALEXANDER
WOLDEAB, NATHALIE GRAHAM,
AND ALEXANDRA CHEN,

Plaintiffs,

v.

CITY OF SEATTLE,

Defendant.

No. 2:20-cv-00887-RAJ

DECLARATION OF MELISSA SCHADE

I, Melissa Schade, declare and state as follows:

1. The information contained in this declaration is true and correct to the best of my knowledge, and I am of majority age and competent to testify about the matters set forth herein.
2. I have been out protesting state sanctioned police violence against Black Americans since June. I have witnessed SPD commit terrifying, unjustified, and cruel violence against protesters on many occasions, and myself have sustained injuries from SPD's use of less-

lethal weapons several times. Every single time I have witnessed a protest become violent it has been at the hands of SPD.

September 7, 2020 - Labor Day SPOG Protest

3. I participated in the Labor Day march to the Seattle Police Officers Guild (“SPOG”) office which called for the abolition of the SPD’s police union. Police unions serve to protect murderers and criminals from being held accountable. We couldn’t have been there for more than 2 minutes before SPD came at us with force. There was zero violence from protestors. SPD gave no dispersal order and made no attempt at communication before attacking a crowd of peaceful people. It was almost immediate and completely unprovoked. They indiscriminately used flashbang grenades, pepper balls, pepper spray/mace, and gas.

4. SPD loudly played the country song “Save a Horse, Ride a Cowboy”—a song I think is misogynistic—which seemed to psych them up to attack the protesters. Within 2 minutes of hearing the music and standing in the street in front of the SPOG office, dozens of bike officers rode at us quickly.

5. Officers rode into protesters and others jumped off their bikes and swung them into protesters. **They began pepper spraying and grabbing people and throwing them down for arrest.** I had a pretty good view of this. Protesters were being pushed together and backwards and getting pepper sprayed. We all just tried to stay upright and together as we got pushed back from the building. **Flashbang grenades were deployed at this point and either canisters of gas or pepper balls as well.** This was all within the first 5 minutes of engagement by SPD.

6. As SPD shoved us and pushed us back from the SPOG building, many protesters ran from the grenades and gas and were now on my far left down the street. SPD further separated the two groups by deploying pepper balls between them.

7. Many people needed medical attention due to the gas and pepper spray. Because SPD's attack was so unexpected and immediate, some people had not been prepared with their safety gear on. While protesters tried to regroup, SPD continued coming forward.

8. We were being squished against a building and funneled into a narrow line headed down 4th Avenue S. I could hear protesters at the back screaming and more flashbang grenades exploding. SPD deployed more choking gas into the air. It was unnerving to be trapped against the wall with bike cops in a line on our left.

9. Eventually the protest group was able to move back into the street and continued moving north down 4th Avenue S. I think we were near the Denny's (near Lander Street) when SPD rushed at us again in another violent attack. We had been moving away as quickly as we could and as soon as we had a safe distance, maybe 50 feet from the police, we moved back into the street from the sidewalk. Right after, the police rode their bikes into us, many hitting protester's bodies. Now we were being forced to engage with the officers again, toe-to-toe. They did not want us to get away, they wanted to continue brutalizing us.

10. **I saw an officer snatch someone's umbrella and then pepper spray them in the face. They threw flashbang grenades and pepper balls into the retreating crowd that exploded near our feet.**

11. SPD bike officers rode past the now completely fractured protest group on the far left. Because of SPD's movements, the left frontline fell back and what had been more of the

middle section of the crowd suddenly became the front line, at an angle such that I could see the line of cops pushing protesters back to my left. There was a protester near me who didn't have any safety gear on and seemed pretty scared to have suddenly ended up on the front line.

12. **Officers started pepper spraying us in the new front line. We tried to run backwards away from the police faster but some people couldn't.** I believe more gas and approximately 5 flashbangs were deployed again at this point.

13. **While I was still retreating, an officer maced me in the face with a can of handheld pepper spray from about 2 or 3 feet away and lunged their bike at me. The mace on my goggles made it difficult to see. I almost fell, and I couldn't keep running backward so I turned around and jogged a short distance up.**

14. **The person next to me at this moment got hit with pepper spray too, and it caused her exposed skin to blister.**

15. **As SPD pushed us up on 4th Avenue, they threw more pepper balls at us which exploded and released a spicy gas. People with and without respirators coughed when this gas got to them. The smoke and the explosions caused confusion and chaos; at one point officers pushed me onto the sidewalk, then a flashbang exploded nearby and another person and I tripped over a fire hydrant we couldn't see.**

16. **Around this time I heard the sound of SPD SWAT officers, who I had seen in grey camo, firing some kind of BB gun or Airsoft rifle into the crowd. I couldn't see who they shot or what they were shooting out of the guns, but the sound was really distinct and alarming.**

17. It was only after this big police rush that I heard the dispersal order announced by SPD because we were allegedly creating some kind of public safety concern. The only people I could see threatening public safety were SPD officers.

18. SPD's use of mace, pepper balls, and flashbang grenades seemed totally indiscriminate. They were absolutely not targeting particular people who had committed crimes or anything like that.

19. As SPD chased us away from the SPOG building for several miles, I felt constantly in danger of being arrested even though I had not done anything illegal. I saw SPD hit protesters with their bikes or skid extremely close to them, and then arrest the protester for (instinctively) grabbing onto the handlebars to keep from being hurt. I saw SPD grab people's shields, and then arrest them for not letting go of the shield immediately. I saw them arrest people for falling behind or getting disoriented and not moving out of SPD's way fast enough. I saw SPD arrest a woman with her hands up who appeared to be differently abled who was struggling to walk and clearly needed to sit down and take a break. SPD told her to move faster, she said she couldn't, and SPD arrested her. I saw SPD arrest a medic helping someone who was injured.

20. SPD pushed us at a really intense pace for more than two miles. I am 25 years old and though I am in fairly good health, I have a pre-existing lung condition and it was downright unhealthy and dangerous to push my lungs so hard through the gas and the residual mace on my ventilator. Part of the route they forced us along was hilly, and I was fighting off an asthma attack the whole time we were going uphill. I saw other people walking up the hill with their hands on their heads to open up their airways. My friend and I couldn't drink water because we

both had ventilators on, and we couldn't take them off because the air was still thick with gas. My friend, who has a heart condition, was wheezing, actively suffering an asthma attack, and getting increasingly anxious.

21. My friend and I fell behind. A medic came up to us and warned us that police could attack us at any time because we were in the very back. We were advised to use all our stamina to jog forward and keep from getting picked off.

22. SPD did not just direct protesters away from the SPOG building, they were relentless in their violent attacks and chased us away at an intense pace for several miles. They also split up protesters at several points, even though we were all headed away. It seemed like SPD enjoyed inflicting violence on us and the cardio-intense march gave them the opportunity to arrest us if we slowed down.

September 23, 2020 - East Precinct Protest

23. I joined the Solidarity with Louisville protest at Cal Anderson park in Seattle on September 23, 2020, around 7pm in response to the failure to charge or indict the police officers who killed Breonna Taylor. That night, I experienced more intense and aggressive violence by SPD than I had at any other protest before. Specifically, I noted that SPD deployed far more flashbang grenades (and in rapid succession) than "normal."

24. Around 8pm, a group of protesters marched north on Broadway. We crossed over I-5 on what I think was the Seneca Street bridge, and stopped to remember Summer Taylor, a protester who was killed on July 4th protesting on I-5. Then the group turned north and several police cars began following us with their lights on.

25. As we headed north on 4th Ave, bike cops suddenly came up fast on the left side of the front line of protesters, jumped off their bikes and began swinging them. High. Very high. Usually cops swing their bikes at protesters' waists or legs, but these cops were holding the bikes above their own heads and swinging them down onto protesters. I saw multiple officers' hands holding their bike above their own heads. They smashed them down onto people, not pushing against them like "normal."

26. **While some cops were bashing protesters with the bikes, others sprayed mace from as little as 1-2 feet away, directly into people's eyes. Several protesters were incapacitated by this and I saw multiple people thrown down by officers and several arrests.**

27. There was lots of smoke and pepper spray in the air. I think there may have been flashbangs fired as well, but it is hard to remember because there were so many more later in the night.

28. I did not see any provocation by the protesters and do not know why SPD suddenly attacked us.

29. Around 10:30pm, we paused to regroup, rinse people's eyes out, catch our breaths, and figure out who got arrested.

30. Because it was still early and most of us were not hurt, the group decided to do a peaceful neighborhood march. We discussed the fact that September 23rd was also the 65th anniversary of when Emmett Till's killers were acquitted. History repeats itself unless we force a change, and we wanted to remind our neighborhood of that. We started marching and had

reached 11th Avenue and Pine Street, when some organizers suggested staying there for a moment. They had seen activity at the East Precinct a block away that had spooked them.

31. Suddenly bike cops and police SUVs behind them came down Pine Street to the intersection at 11th Avenue. **The cops threw pepper balls and gas canisters into the intersection.** Some people began to run away. **Then the flashbangs started.**

32. **Officers were throwing explosives far back into the crowd behind us. The person in front of me got maced in the face. I put my head down and some exposed skin on my neck got hit with the pepper spray and started to burn.**

33. I have heard people say that this push by SPD was in response to a single firework being thrown by a protester near the precinct garage entrance, but I did not see a firework. Even assuming this were true, though, the group of protesters attacked was a full block down from the garage entrance.

34. Some time passed and a new protest line formed at 11th and Pine. Then SPD began what I think of as their third and most brutal charge that night, which lasted from approximately 11:30pm until 1am, and pushed us all the way west on Pine to Broadway, north up Broadway, and then west and eventually south down dark, residential streets. **SPD deployed many more flashbang grenades and pepper balls than they had at any other protest I had attended.**

35. Starting at 11th and Pine, the police threw at least six flashbangs at us in rapid succession as they pushed us down Pine, chasing us with bikes. SPD also deployed some kind of gas.

36. I saw a protester, known as “Trumpet Man” because he peacefully plays the trumpet at protests, laying down in the street. I watched one of the cops running next to his bike intentionally angle his bike so that his bike rode over the protester’s head. Both wheels ran over his head. People screamed. I gagged in my mouth.

37. The cops were jabbing us with the bikes, pushing us backward. Being hit with the bikes hurt. They were pushing us hard and yelling at us to move back, but it is impossible to move that quickly backwards in the gas.

38. A SWAT officer pointed a sponge-tipped projectile gun with a very bright light on it into my group. I know they use that light to target protesters for arrest, so I got scared my group would be attacked.

39. A group of bike cops rode and attacked the entire group to the right of mine. More flashbangs and pepper balls exploded everywhere and it was chaotic and smoky.

40. We hadn’t made it too far up Broadway when the police surrounded us. I saw SPD douse a lot of people in pepper spray in a group to the right of me that had been separated from us. I also heard someone yelling in pain that the cop had pulled down his goggles. I believe around this point I heard a cop’s rubber bullet gun being fired, though I did not see it..

41. We continued retreating north many blocks, and eventually we went west, trying to escape the police. The group had become smaller by now, maybe around 75 people.

42. **As we began quickly moving down a dark, narrow, residential street with lots of tree coverage, SPD unleashed a large amount of flashbang grenades—approximately 25-30 over several blocks—directly into our crowd.** Their escalation was not a response to any protester actions.

43. The police announced that all of us had been at the illegal assembly and still had not dispersed, and that we were all subject to arrest and less lethal munitions. Some people—especially those with asthma—were struggling to breathe due to the pepper spray and forced march by the police. There were a ton of SPD officers throwing flashbang grenades at us while we were running away. I saw more than five flashbangs explode in front of me and I heard another five explode elsewhere. I was trying to put more distance between me and the police line, but the flashbangs were exploding everywhere.

44. **In rapid succession, one flashbang bounced off my backpack, another exploded close behind us to my left, another hit my friend's backpack, and yet another flashbang hit my right shoulder blade. I cried out in pain as it exploded around me.**

45. This was not the first time SPD has hit me with a flashbang. At a protest near the East Precinct on Sunday, June 7, 2020, SPD threw a flashbang grenade directly at me that exploded on my chest. That was the same night another girl's heart stopped beating after SPD hit her in the chest with a flashbang. *See* Inda Decl., ECF 31, ¶¶ 10-17. It was super terrifying and very painful, and left a welt, a big bruise, a burn, and a tear in my skin. I had not been wearing any kind of protective clothing back then.

46. **The cops also used some kind of gas on the crowd.** I am not sure what it was. You can usually see through a cloud of OC spray, but this cloud was really thick and hard to see through, and wasn't as "normal" to me.

47. **There were also pepper spray balls exploding.** All of us who were able to run kept running to try to get out of the smoke and the police were now chasing us in double-time.¹ I feel bad that those who could not keep up or were differently abled got left behind, but it was so chaotic and we were all trying to escape the explosions and find breathable air.

48. I ended up back near the community college, just west of it. The cops were still just behind us on bikes, with a full slew of SUVs behind them. Once we reached the intersection near Broadway and Pine Street, the police that were already at that intersection stopped and let us pass and go into Cal Anderson park. People were tired from being chased for so long and hurting from the OC spray and flashbangs.

49. Once we were all in the park, we saw over 25 police cars surrounding the park. More unnerving, we saw about 50 bike cops around the east and west edges of the park, as if they were going to ride in. We had not seen this before (outside of sweeps of the park attacking our unhoused neighbors) and people started to freak out. The park has been protesters' safe space to regroup after police violence and receive medical care.

50. SPD officers rode into the park on their bikes and it was chaos. People sprinted away in all directions. I ran north and hid in a bush. I saw a few cops jumping off their bikes and taking people down. I saw more officers on foot with batons coming into the park. Lights and sirens were going off all around the park. I had to stay low and hide in the dark while I found my people. We managed to escape the park together. It was approximately 1am.

¹ Normally the police push the protesters back while walking, and the protesters are usually walking backwards in order to still protest while being forced back. "Double-time" means that the cops are jogging while forcing the protesters in a direction. As a result, the protesters often have to jog as well in order to avoid being hit with a bike, maced, and/or arrested.

51. The night of September 23 felt like another noticeable escalation in violence from Seattle Police Department, like the Labor Day march at SPOG or the candlelight vigil at WSP headquarters. The sheer number of flashbangs and other explosives the police fired at us and how rapidly they were doing so—as we retreated from them—was unlike my other protest experiences in the last several months. The degree to which individual officers were violently going after people also felt increased. It was not just the SPD front line against the protesters’ front line, but it was smaller groups of officers targeting areas of protesters and brutalizing us directly.

Executed this 28th day of September 2020 at SEATTLE, WASHINGTON.

I declare under penalty of perjury under the laws of the United States and the State of Washington that the foregoing is true and correct.

By: Melissa Schade

MELISSA SCHADE